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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/747,607	12/29/2003	Francois-Xavier Drouet	FR920030014US1	6493
45095	7590	10/22/2008		
HOFFMAN WARNICK LLC 75 STATE ST 14 FL ALBANY, NY 12207			EXAMINER NGUYEN, VAN KIM T	
			ART UNIT 2456	PAPER NUMBER
			NOTIFICATION DATE 10/22/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOCommunications@hoffmanwarnick.com

Office Action Summary	Application No. 10/747,607	Applicant(s) DROUET ET AL.	
	Examiner Van Kim T. Nguyen	Art Unit 2456	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on July 14, 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2 and 4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>None</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is responsive to communications filed on July 14, 2008.

In view of the Appeal Brief filed on July 14, 2008, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Bunjob Jaroenchonwanit/

Supervisory Patent Examiner, Art Unit 2456.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Calo et al (US 7,127,492).

Regarding claim 1, as shown in Figures 1-8, Calo discloses a data transmission system comprising at least a data transmission network (101; Figure 1) based upon an IP protocol; at least a content server (104; Figure 1) for providing data requested by a user (102, 103; Figure 1) connected to the network; a plurality of proxies (105, 106; Figure 1) having a cache function (701-709; Figure 7), each proxy capable of having stored the requested data (col. 1: line 55 – col. 2: line 2, and col. 5: line 65 – col. 6: line 17), one of the proxies comprising a user proxy which receives any request for data from the user (col. 3: lines 38-49).

Calo also discloses a domain name server for converting a server name provided by the user to the user proxy into an IP address of the content server (a DNS returns an IP address corresponding to an appropriate proxy server when a client requests an address for the backend server; col. 3: lines 40-49 and col. 4: lines 58-64). Obviously, the DNS includes a table for name resolution, and since the user proxy is responsible for determining what service is being requested and providing requested service, it is obvious the information essential to satisfy this request, i.e., the proxy IP address, is provided to the user proxy; col. 3: lines 20-49; col. 4: line 58—col. 5: line 27).

Calo discloses substantially all the claimed limitations, except the table comprising an IP address of a proxy amongst the plurality of proxies capable of having stored the requested data.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the address of all proxy servers in the domain name server's table, motivated by the need of providing a complete name resolution to all network devices.

Regarding claim 2, Calo discloses a method for obtaining data in an optimized way in a data transmission system comprising at least a data transmission network based upon an IP

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protocol (101); at least a content server (104) for providing data requested by a user (102, 103) connected to the network; a plurality of proxies (105, 106) having a cache function (701-709), each proxy capable of having stored the requested data, and one of the proxies comprising a user proxy which receives any request for data from the user (col. 1: line 55 – col. 2: line 2, col. 5: line 65 – col. 6: line 17, and col. 3: lines 38-49).

Cato also discloses a domain name server for converting a server name provided by the user to the user proxy into an IP address (a DNS server returns an IP address corresponding to an appropriate proxy server when a client requests an address for the backend server; col. 3: lines 20-49 and col. 4: lines 58-64).

Cato also teaches:

a) determining if a table stored in the domain name server contains an entry corresponding to the server name provided by the user to the user proxy (a DNS is a database server, hence comprising a table, and used primarily to complete the inter-network name resolution on those file Thus, it is obvious the DNS must first determine whether there is an entry in the DNS table corresponding to the provided server name; col. 3: lines 20-49 and col. 4: lines 58-64), and

c) returning the proxy IP address to the user proxy if such a proxy IP address is included in the entry corresponding to the server name (since the user proxy is responsible for determining what service is being requested and providing requested service, it is inherent the information essential to satisfy this request, i.e., the proxy IP address, is provided to the user proxy; col. 3: lines 20-37), and

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d) sending the user request from the user proxy to the proxy IP address included in the entry (A redirection module is used to direct requests to proxy servers, or another server operated locally for serving the requests; col. 4: line 58—col. 5: line 27).

Calo discloses substantially all the claimed limitations, except there is an entry in the table that includes an address of a proxy amongst the plurality of proxies.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the address of all proxy servers in the domain name server's table, motivated by the need of providing a complete name resolution to all network devices.

Regarding claim 4, though Calo does not explicitly call for determining whether the user proxy is a known proxy, but since Calo teaches the Wide Area Load Balancer 603 implements distributing client requests to different proxy servers within the network by means of a DNS server, it would have been obvious to one of ordinary skill in the art at the time the invention was made in order to load balancing requests among proxy servers, the user proxy has to be known to the DNS server.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Van Kim T. Nguyen whose telephone number is 571-272-3073. The examiner can normally be reached on 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Van Kim T. Nguyen
Examiner
Art Unit 2456

/Bunjob Jaroenchonwanit/
Supervisory Patent Examiner, Art Unit 2456